

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

CHRISTOPHER HARDING,	§	
Plaintiff	§	
	§	
VS.	§	NO: 2:12-cv-496
	§	(JURY)
	§	
XEROX CORPORATION,	§	
Defendant	§	

PLAINTIFF'S ORIGINAL COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, **CHRISTOPHER HARDING** (“**HARDING**”), Plaintiff, and files this his Original Complaint, complaining of and against **XEROX CORPORATION** (“**XEROX**”), Defendant in this cause, and in support thereof, would respectfully show the Court the following, to-wit:

1. Plaintiff is a citizen of the State of Texas.
2. Defendant, **XEROX**, is a foreign corporation with its principle residence and place of business in the State of Connecticut. Defendant may be served with summons by serving its registered agent, Prentice Hall Corporation System, at 211 E. 7th Street, Suite 620, Austin, Texas 78701-3218.
3. The matter in controversy exceeds, exclusive interest and costs, the sum specified by 28 U.S.C. §1332, and Plaintiff and Defendant are residents and citizens of different states; therefore, this Court has jurisdiction.
4. This Court has venue because this accident occurred in the Eastern District of Texas, and Plaintiff was a resident in the Eastern District of Texas when the accident occurred. Furthermore, Defendant regularly conducts business in the Eastern District of Texas, Marshall Division.

5. On or about April 19, 2012, Plaintiff, HARDING, was traveling Southbound in a safe and careful manner on N. Eastman Rd. in Longview, Texas. Defendant, XEROX, violently rear-ended Plaintiff with the vehicle being driven by its driver, Nathaniel S. Phillips (“Phillips”).

6. At all times pertinent to this lawsuit, Phillips was in the course and scope of his employment or agency relationship with Defendant, XEROX, and Plaintiff invokes the doctrine of *Respondent Superior*.

7. On the occasion in question, Defendant’s driver, Phillips, operated the 2007 Dodge Caravan in a negligent manner, in that he violated the duty which he owed to Plaintiff to exercise ordinary care in the operation of his motor vehicle, *inter alia*, in failing to control his speed, in failing to keep a proper look-out, in failing to properly apply his brakes, in failing to take proper evasive action in order to avoid a collision, in failing to maintain an assured clear distance, and in violating such laws and ordinances so as to constitute negligence *per se*. Each of these acts and omissions, singularly, or in combination with others, constituted negligence which proximately caused the occurrence made the basis of this action and Plaintiff’s injuries and damages.

8. As a direct and proximate result of the previously described negligence of the Defendant, Plaintiff, HARDING, suffered injuries to his body generally. These injuries are permanent in nature and in all reasonable probability, said Plaintiff will suffer for a long time into the future, if not for the balance of his natural life. Plaintiff has suffered severe physical pain and mental anguish, and in reasonable probability, will suffer such physical pain and mental anguish in the future. Plaintiff has incurred medical expenses and lost wage earning capacity in the past, and in reasonable probability will incur such in the future. Further, Plaintiff has suffered severe physical impairment and disfigurement, and in reasonable probability, will suffer such physical impairment and disfigurement in the future. This suit is brought for fair, reasonable and adequate compensation for

all of his damages, and it is alleged that such compensation is well in excess of \$100,000.00.

9. Plaintiff would show that he is entitled to both pre-judgment and post-judgment interest at the highest rates allowed by law or statute.

REQUEST FOR JURY TRIAL

11. Plaintiff respectfully requests a trial by a jury of his peers.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendant be cited to appear and answer, and that upon final trial, Plaintiff recovers a judgment against the Defendant for his damages, interest, costs, and for such other and further relief to which Plaintiff may be justly entitled, general and special, at law and at equity.

RESPECTFULLY SUBMITTED:

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ATTORNEY FOR PLAINTIFF